

# Malpractice and Maladministration Policy



BHS Qualifications (BHSQ) is committed to making sure all its activities are conducted fairly, transparently, objectively and free from bias. The purpose of this policy is to define malpractice and maladministration and prevent, identify and manage any occurrences of so that there are no or minimal adverse effects.

The policy applies to all areas of BHSQ's business including directors, employees, contractors, home workers, agency workers and any associate staff, moderators, verifiers, assessors, examiners, freelance staff, learners, other customers and stakeholders. This policy applies to all BHSQ qualifications, including those that may be delivered internationally. This policy includes information about the use of artificial intelligence (AI).

**If malpractice/maladministration is suspected or has occurred, BHSQ has a responsibility to inform the regulator where appropriate and ensure that all investigations are carried out rigorously and effectively.**

## **This document will:**

- Define what is meant by malpractice and maladministration.
- Set out the roles and responsibilities for managing malpractice and maladministration.

## **It is useful to refer to the following policies and documents when reading this:**

- Appeals Policy.
- Complaints Policy.
- Operational Handbooks and Manuals.
- Sanctions Policy.
- Whistleblowing.

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## Definitions

### Malpractice

Malpractice is any activity or practice, which **deliberately** breaches regulations and requirements. It covers any deliberate actions that could or may compromise the assessment process and so threaten the integrity of any BHSQ qualifications, the validity of a result or certificate and the reputation and credibility of BHSQ. Malpractice will generally involve a person intending to break the rules or cause harm. It is a conscious decision.

Malpractice may include a range of issues such as cheating or facilitating cheating, a failure to maintain appropriate records or systems intentionally and the deliberate falsification of records in order to claim certificates. A more comprehensive list of examples are listed in appendix one.

### Maladministration

Maladministration is any activity or practice, which also results in non-compliance with regulations and requirements but is **not intentional**. This is generally where mistakes are made, or poor processes are in place but with no intention of causing harm. It may be as a result of incompetence, ineptitude, carelessness and inexperience. A more comprehensive list of examples are listed in appendix one.

## Roles and responsibilities

Everyone has a responsibility to be aware of the potential for malpractice and/or maladministration, as there is always a possibility this may occur.

Situations must be carefully managed to ensure that any malpractice and/or maladministration is minimised and where it does occur, does not detrimentally impact on the standards of or public confidence in BHSQ qualifications, as well as any other activity connected with BHSQ's role as a regulated awarding organisation.

BHSQ will take reasonable steps to prevent incidents of malpractice/maladministration. We may do this by:

- Explaining to centres what maladministration and malpractice are.
- Communicating the potential impact of these.
- Checking centre's understanding of these during centre approval, review and monitoring.
- Ensuring those working for BHSQ understand and can identify cases of maladministration and malpractice and know what to do.

## BHSQ Approved Centre's responsibility

It is important that BHSQ Approved Centre staff, and any workforce involved in the management, assessment and quality assurance of BHSQ qualifications are fully aware of the contents of this document. The BHSQ Approved Centre must have arrangements in place to manage any instances of malpractice and/or maladministration effectively. This is to ensure the integrity of BHSQ qualifications is not compromised. It is also imperative learners understand what malpractice and maladministration are and their responsibilities. This helps reduce the chances of these occurring.

BHSQ requires BHSQ Approved Centres to have an effective and fully implemented malpractice and maladministration policy. This must include how malpractice and maladministration are managed to minimise

any adverse effects and how occurrences will be recorded and reported as required. A failure to report suspected or actual malpractice/maladministration cases, or failure to have in place effective arrangements to prevent such cases, may lead to sanctions being applied to the centre. The BHSQ Approved Centre must keep BHSQ informed at all times during any investigation on actions being taken, responses received and the final outcome.

The BHSQ Approved Centre's compliance with this policy (BHSQ's) and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by BHSQ periodically through on-going centre monitoring arrangements. In addition, BHSQ Approved Centres will also complete an annual return for BHSQ and this will record any malpractice and maladministration occurrences. This will be used as part of on-going monitoring.

Depending upon the severity of the malpractice/maladministration the BHSQ Approved Centre must also contact the relevant authorities as appropriate. These may include their funding provider and/or law enforcement bodies.

Examples of centre malpractice/maladministration (identified in brackets after each example) include:

- Inaccurate statements or submissions provided during the centre approval process and during ongoing centre monitoring. (Either malpractice or maladministration depending on intent).
- Failure to provide the staff, resources or systems needed to support assessment, internal quality assurance or certificate claims. (Either malpractice or maladministration depending on intent).
- Inaccurate claims for certification. (Either malpractice or maladministration depending on intent).
- Not assessing to the requirements of the qualification specification. (Either malpractice or maladministration depending on intent).
- Not declaring a conflict of interest for personal or monetary gain. (Malpractice).
- Falsifying assessment records. (Malpractice).
- Purposefully favouring candidates over others. (Malpractice).
- Inadvertently favouring candidates over others. (Maladministration).

Examples of learner malpractice/maladministration (identified in brackets after each example) include:

- Use of false identification when registering for a qualification/or use of false identification in an assessment. (Malpractice).
- Offering a bribe of any kind to an assessor. (Malpractice).
- Presenting evidence for assessment that that is not their own. Such as copying from another learner, using the internet, or using artificial intelligence to produce work without appropriate reference. (Either malpractice or maladministration depending on intent).
- Allowing their work to be copied by another learner. (Either malpractice or maladministration depending on intent).

It is the BHSQ Approved Centre's responsibility to be mindful of potential learner malpractice/maladministration and to take appropriate action according to their policies and procedures to mitigate any adverse effect. The BHS Approved Centre must explain fully to learners what malpractice and maladministration are and the consequences of this.

## The use of Artificial Intelligence (AI)

Artificial Intelligence (AI) is both a threat and an opportunity. It allows for innovation but could also threaten the integrity of BHSQ qualifications. All those involved in BHSQ qualifications must ensure the use of AI does not limit fairness or threaten public confidence in BHSQ qualifications.

AI allows learners to use selective and significant information to their advantage. This may enhance their knowledge and understanding. This is good. However using AI to fraudulently achieve a qualification is unacceptable and must be reported.

The ability for a learner to present someone else's work as their own has been a threat for decades. Assessment of BHSQ qualifications is largely practical. For example, you need to be able to ride, groom or jump a horse in order to achieve. You will not achieve a BHSQ qualification by producing written work alone. In these instances AI would not influence assessment. Therefore this helps maintain the reputation and integrity of the qualification. However there are elements of BHSQ qualifications where AI could be used inappropriately. For example, producing written answers about horse care.

If any BHSQ Approved Centre suspects inappropriate use of AI, it must deal with this as it would when a candidate presents evidence for assessment that is not their own. A BHSQ Approved Centre must ensure the authenticity of learner evidence as far as reasonably possible. This is no different when a learner uses AI, than copying out of a textbook. However this must be reported to BHSQ (this is explained in the next section of this policy), so that it can understand and monitor the impact of AI. This is because this impact is new and BHSQ, its partners and regulators want to learn how best to manage this, as it evolves.

## Process for reporting malpractice/maladministration to BHSQ

Anybody who identifies or is made aware of suspected or actual cases of malpractice/maladministration at any time must immediately notify BHSQ. For example, this may be a learner, a member of staff at an BHSQ Approved Centre or the main contact at the BHSQ Approved Centre.

The details must be put in writing/email and include appropriate supporting evidence. All allegations must include (where possible and relevant):

- Centre's name, address and number.
- Learner's name and BHSQ unique ID number.
- BHSQ personnel's name if it is about a member of the BHSQ team.
- Centre/BHSQ personnel's details (name, job role) if they are involved in the case.
- Details of the BHSQ course/qualification affected or nature of the service affected.
- Nature of the suspected or actual malpractice/maladministration and associated dates.
- Details and outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances.

The identity of the 'informant' will be protected, as far as possible, in accordance with BHSQ's duty of confidentiality and/or any other legal duty.

If BHSQ suspects any malpractice/maladministration they will also record all relevant information, which may include:

- Centre's name, address and number.
- Learner's name and BHSQ unique ID number.
- BHSQ personnel's name if it is about a member of the BHSQ team.
- Centre/BHSQ personnel's details (name, job role) if they are involved in the case.
- Details of the BHSQ course/qualification affected or nature of the service affected.
- Nature of the suspected or actual malpractice/maladministration and associated dates.

## Investigating suspected or actual cases of malpractice/maladministration

Reported or suspected cases of malpractice/maladministration will be examined promptly by BHSQ, whether reported to BHSQ or identified by BHSQ, to establish if malpractice/maladministration has occurred and BHSQ will take all reasonable steps to prevent any adverse effect.

**BHSQ will notify regulators as required and at the earliest opportunity, where there is an adverse effect.**

BHSQ will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this document. At all times BHSQ will ensure that any personnel assigned to the investigation have the appropriate level of training and competence, and that they have no personal interest in the outcome.

BHSQ will notify the head of the BHSQ Approved Centre, involved in the allegation, that it will be investigating the matter. BHSQ may ask the centre to investigate the issue in liaison with BHSQ's own personnel. BHSQ may withhold details of the person making the allegation to other parties if this would breach confidentiality or any other legal duty.

Where the allegation may affect another awarding organisation and their provision, BHSQ will also inform them in accordance with the regulatory requirements and obligations.

BHSQ aims to action and resolve the investigation within 30 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if a centre visit is required, or other parties are involved. In such instances, BHSQ will advise all parties concerned of the likely revised timescale.

The fundamental principle of investigations is to conduct them in a fair, reasonable and legal manner, ensuring that relevant evidence is considered without bias. In doing so, investigations will be based around the following broad objectives:

- To establish the facts in order to determine whether malpractice or maladministration have occurred.
- To identify the cause.
- To establish those involved.
- To establish the scale.
- To evaluate any action taken by the centre.
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification.
- To ascertain whether any action is required in respect of certificates already issued.
- To obtain clear evidence to support any sanctions to be applied to the centre, and/or to members of staff, in accordance with the sanctions policy.
- To identify any adverse patterns or trends.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, BHSQ will:

- Ensure material collected as part of an investigation is secure. Records and original documentation concerning a completed investigation that ultimately leads to sanctions against a centre, be retained for a period of not less than six years. If an investigation leads to invalidation of certificates, or criminal or civil prosecution, records and original documentation relating to the case will be retained until the case and any appeals have been heard and for six years after.
- Expect parties, who are either directly or indirectly involved in the investigation, to fully co-operate with BHSQ.

BHSQ may impose sanctions on the BHSQ Approved Centre as detailed in its sanctions policy in order to protect the interests of learners and the integrity of the qualifications. Where malpractice/maladministration are found to have taken place BHSQ may charge costs to the centre in accordance with the pricing structure at that time.

BHSQ may withhold learner results for other BHSQ courses/qualifications and/or units they are studying.

BHSQ may find that the complexity of a case or a lack of cooperation from a centre means it is unable to complete an investigation. In such circumstances BHSQ will consult the relevant regulator in order to determine what to do next.

Where a member of BHSQ's staff is under investigation, they may be suspended or moved to other duties until the investigation is complete.

## Investigation report

After an investigation, BHSQ will detail the following:

- Identify where the breach, if any, occurred.
- Confirm the facts of the case.
- Identify who is responsible for the breach (if any).
- Confirm an appropriate level of remedial action to be applied.

BHSQ will make this information available to the parties concerned and to the regulators and other external agencies where appropriate, normally within 10 working days of the final decision.

If it was an informant that notified BHSQ of the suspected or actual case of malpractice/maladministration, they may also be informed of the outcome – normally within 10 working days of the final decision. In doing so BHSQ may withhold some details if to disclose such information would breach confidentiality or any other legal duty. In some circumstances BHSQ may not notify the informant of the outcome but will explain that a decision has been made and the reasons for any non-disclosure.

If a member of BHSQ is being investigated, the Chair of BHSQ will ensure appropriate internal disciplinary procedures are implemented.

## Investigation outcomes

If the investigation confirms that malpractice/maladministration has taken place, BHSQ will consider what action to take to:

- Minimise the risk to the integrity of certification now and in the future.
- Maintain public confidence in the delivery and awarding of qualifications.
- Discourage others from carrying out similar instances of malpractice/maladministration.
- Ensure there has been no gain from compromising BHSQ's standards.

Examples of action BHSQ may take includes:

- Requiring the BHSQ Approved Centre to address the instance of malpractice/maladministration and to prevent it from reoccurring.
- Imposing sanctions on the centre – if so, these will be communicated in accordance with the sanctions policy along with the reason for the sanction(s) selected.
- Taking action against a learner(s) in relation to proven instances of cheating, plagiarism, fraud:
  - Loss of marks/credits for the related work/unit
  - Disqualification from the unit(s)/qualification
  - Placing a ban from taking any further qualifications with BHSQ.
- In cases where certificates are deemed to be invalid, inform the centre concerned and the regulatory authorities why they are invalid. Then manage any reassessment and/or withdrawal of the certificates. BHSQ will also ask the centre to let the affected learners know the action BHSQ are taking and that their original certificates are invalid and ask the centre – where possible – to return the invalid certificates to BHSQ. BHSQ will also amend its database so that duplicates of the invalid certificates cannot be issued and expect the centre to amend their records to show that the original awards are invalid.
- Amending aspects of BHSQ qualification development, delivery and awarding arrangements and if required assessment and/or monitoring arrangements to prevent any reoccurrence.
- Informing relevant third parties of BHSQ's findings in case they need to take relevant action in relation to the centre.
- In proven cases of malpractice/maladministration by a centre BHSQ reserves the right to charge the centre for any additional costs associated with this process. The fees for which will be the current BHSQ prices for such activities at the time of the investigation.

If the relevant party(ies) wishes to appeal against the decision to impose sanctions, please refer to the BHSQ Appeals Policy.

## Whistleblowing

Sometimes a person making an allegation of malpractice/maladministration may wish to remain anonymous. This is whistleblowing. BHSQ will follow its Whistleblowing policy in these circumstances. This can be read on [www.bhsq.co.uk](http://www.bhsq.co.uk)

## Monitoring and review

This document and its content will be reviewed on a three year cycle, or earlier should it be needed to ensure it remains fit for purpose and reflects the types of malpractice and maladministration that have arisen.

In the event of the Regulators or another Awarding Organisation notifying BHSQ of failures that have been discovered in the assessment process, BHSQ will review whether or not a similar failure could affect its own processes and practices.

**Date for review:** November 2027

## Document history

Version	Revision date	Reason
5	06/11/2024	To update previously produced document, including the use of AI

*Please note: This document is uncontrolled once printed. Please check with BHSQ for the most up to date version.*

The British Horse Society Qualifications Limited is a company registered in England and Wales and trades as BHS Qualifications (BHSQ).



## Appendix one

### Examples of malpractice and maladministration

The list below includes examples of centre and learner malpractice and maladministration. As a reminder the difference between **malpractice** and **maladministration** is that the former is **deliberate**, and the latter is **unintentional**. The process is the same in both instances as both may have the same outcomes.

Please note that these examples are not exhaustive and are only intended as guidance.

- Inability to access premises, records, information, learners and staff by any authorised BHSQ representative and/or the regulatory authorities.
- Failure to carry out internal assessment and/or internal verification in accordance with BHSQ's requirements.
- Failure to adhere to learner registration and certification procedures.
- Failure to adhere to centre approval and/or qualification approval requirements or actions assigned to the centre.
- Failure to comply with the Centre Agreement.
- Failure to maintain appropriate auditable records, for example certification claims and/or forgery of evidence.
- Inaccurate claims for certificates.
- Submitting substandard learner evidence.
- Use of inappropriate materials/equipment in assessment settings.
- Withholding of information from BHSQ, which is critical to maintaining the rigour of quality assurance and standards of qualifications.
- Failure to report malpractice/maladministration.
- Misuse of the BHSQ logo and trademarks or misrepresentation of a centre's relationship with BHSQ and/or its recognition and approval status with BHSQ.
- Inaccurate assessment that may lead to incorrect certification.
- Contravention by a centre and/or its learners of the assessment arrangements specified for BHSQ qualifications.
- A loss, theft of, or a breach of confidentiality in, any assessment materials.
- Plagiarism by learners/staff including assuming the identity of another candidate or having someone assume their identity during an assessment.
- A learner submits someone else's work as if it is their own.
- Inappropriate assistance to learners by centre staff. For example unfairly helping them to pass a unit or qualification.
- Submission of false information to gain a qualification or unit.
- Failure to adhere to, or to circumnavigate, the requirements of the reasonable adjustments policy.
- The application of persistent mistakes and/or poor practice.

## Examples of malpractice

The categories listed below are examples of BHSQ Approved Centre and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on the definition of malpractice:

- Purposeful denial of access to premises, records, information, learners and staff to any authorised BHSQ representative and/or the regulatory authorities.
- Deliberate failure to adhere to learner registration and certification procedures.
- Deliberate failure to adhere to Centre Approval and/or qualification approval requirements or actions assigned to the BHSQ Approved Centre.
- Deliberate failure to maintain appropriate auditable records such as certification claims
- Fraudulent claim for certificates.
- Collusion or permitting collusion in assessments.
- Using false identification.

## Examples of maladministration

The categories listed below are examples of BHSQ Approved Centre and learner maladministration. Please note that these examples are not exhaustive and are only intended as guidance on the definition of maladministration:

- Failure to adhere to learner registration and certification procedures unknowingly.
- Inadvertent inaccurate claim for certificates.
- Not applying Reasonable Adjustments Policy through lack of understanding.
- Not identifying work presented by a learner which is not their own but where procedures to do this have been implemented.